

**Speech-Language Pathology and Audiology Board**

1422 HOWE AVENUE, SUITE 3, SACRAMENTO, CA 95825

TELEPHONE: (916) 263-2666/ FAX: (916) 263-2668

www.slpab.ca.gov



**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD
Cal Expo Vagabond Executive Inn
2030 Arden Way
"Governor's Room"
Sacramento, CA 95825
January 22, 2004
SPEECH-LANGUAGE PATHOLOGY PRACTICE COMMITTEE
MEETING MINUTES**

Committee Members Present

James Till, Ph.D., Chairperson
Sherry Washington, M.A.
Bruce Gerratt, Ph.D.
Paul Donald, M.D.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Candace Raney, Staff Analyst
Lori Pinson, Staff Analyst
George Ritter, Legal Counsel

Committee Members Absent

Vivian Shannon, M.A.

Board Members Present

Rebecca Binge, M.A.
Marcia Raggio, Ph.D.
Alison Grimes, AuD

Guests Present

Gail Ternes, California Academy of Audiology
Patricia Rae Evans, California Physical Therapy Association
Ed Dunlay, The Chattanooga Group
Jan Speirs, Scripps Memorial Hospital

I. Call to Order

Chairperson Till called the meeting to order at 5:11 p.m.

II. Introductions

Those present introduced themselves.

III. Discussion of Status of the California Board of Occupational Therapy's proposed regulations regarding "Swallowing Assessment, Evaluation, or Intervention."

Ms. Del Mugnaio explained that the Board of Occupational Therapy's Advance Certification Regulations have been placed on hold as the result of Governor Schwarzenegger's Executive Order to freeze all pending regulatory proposals initiated prior to November 17, 2003. She stated that those occupational therapists that have been engaging in swallowing assessment, evaluation, and intervention cannot do so at this point in time. There is no current authority for the Board of Occupational Therapy to issue an advanced practice certification absent the pending regulatory action.

Ms. Del Mugnaio explained that the Board of Occupational Therapy's website includes the following statement, "The education and training requirements for swallowing assessment, evaluation, and intervention are not contained in Statute but rather in proposed regulations that have been impacted by the Governor's regulatory freeze. Until the regulations take effect, the Board cannot issue advanced practice certification in swallowing assessment, evaluation, and intervention and OT's cannot, by law, offer these services."

Ms. Del Mugnaio stated that she was asked whether speech-language pathologists can supervise occupational therapists to perform swallowing assessment, evaluation, and intervention. Ms. Del Mugnaio explained that if the therapist does not have the authority to practice independently, the speech-language pathologists cannot supervise the occupational therapist to perform such functions.

Ms. Washington stated that the American Speech-Language Hearing Association has put forth a position statement that states that it is unethical for a speech-language pathologist to train an occupational therapist in swallowing. She stated that this position statement is in conflict with the Board of Occupational Therapy's proposed regulations.

IV. Discussion of Speech-Language Pathologists Utilizing Electrical Stimulation for Treatment of Swallowing Disorders and Potential Practice Violations

Mr. Till explained that this issue concerns an area of development in terms of technology and possible practice for speech-language pathologists.

Ms. Del Mugnaio distributed a letter from a speech-language pathologist expressing her support for the use of electrical stimulation for swallowing.

Mr. Donald explained that he researched the matter by contacting colleagues and reviewing research materials. He stated that he researched the matter from the perspectives of safety and efficacy. He explained that some of the devices he researched are considered "safe" because the amperage of the unit is very low. There is one device, Vital Stim, a model approved by the Federal Food and Drug Administration (FDA), that has

a very specific protocol to be used in the treatment of swallowing. However, he was unable to find any replicated peer-reviewed evidence-based research of efficacy regarding the device or the approach to treatment of dysphagia.

Ms. Del Mugnaio explained that she was unable to locate in statute or regulation where the use of electrical stimulation by speech-language pathologists is permitted. She stated that it is included in the Physical Therapy Practice Act.

Ms. Washington expressed concern regarding the possibility of individuals using other methods of electrical stimulation to treat dysphagia and the extreme danger of consumer harm that could result. She explained that the various methods of electrical stimulation involve varying degrees of intensity intended for use on various parts of the body. Ms. Washington also stated that physical therapists receive formal education and professional training with regard to the use of electrical stimulation, whereas speech-language pathologists do not.

Ms. Del Mugnaio stated that the current scope of practice addresses the use of instrumentation but it appears to be narrowly defined to the use of endoscopes. However, Mr. Ritter pointed out that the language referencing methods and applications may include this process. Mr. Till requested further legal review regarding the issues of scope of practice.

Mr. Dunlay addressed the Committee to provide clarification and answer questions related to the Vital Stim unit and the uses thereof. Mr. Dunlay explained that The Chattanooga Group is the leading manufacturer in the world of clinical electrotherapy devices. Mr. Dunlay explained the process by which The Chattanooga Group obtained FDA approval for the Vital Stim device. Mr. Dunlay explained that The Chattanooga Group was aware of the lack of training provided to speech-language pathologists regarding the use of electrotherapy and as such, The Chattanooga Group requires that individuals purchasing the Vital Stim unit complete a training course to ensure that the therapy is administered safely.

Mr. Till explained that he will provide a summary to the full Board regarding the issues discussed. He stated that his summary will include the scope of practice issues related to the use of this therapy by speech-language pathologists. He stated that there are also unresolved efficacy issues.

Ms. Evans addressed the Committee to express concerns regarding the lack of statutory authority and established educational standards for speech-language pathologists to use electrical stimulation as a therapeutic modality.

There being no further discussion, Chairperson Till adjourned the meeting at 6:02 p.m.

Annemarie Del Mugnaio, Executive Officer